

Date: 14 August 2018

Re: Request for information on the private donations of your political party

Attention:

Dear

On 21 June 2018, in the matter between *MVC & The Minister of Justice and Correctional Services*, the Constitutional Court ruled that information on political parties' private donations is essential in order to make political choices and to participate in elections. This ruling confirms citizens constitutional rights to have access to information in terms of Section 32(1)(b) in conjunction with the right to vote in elections and to make political choices in Section 19 of the Constitution. The ruling also upholds our democratic values for a more transparent and accountable political system.

The judgment noted in paragraph 68 that:

“...In sum, PAIA is deficient because it does not provide that:

- (i) information on the private funding of political parties and independent candidates be recorded and preserved;
- (ii) it be made reasonably accessible to the public; and
- (iii) independent candidates and all political parties are subject to its provisions. Additionally, it suffices to say that no compelling reasons exist to justify these limitations.”

Although it noted PAIA's deficiency it however, gave citizens the right to request private funding information from independent candidates and political parties. In this regard it said at paragraph 88:

“...Well, PAIA does not regulate or regulate appropriately, access to information on the private funding of political parties and independent candidates, which this case is about... In the interim, it is open to those seeking access to information on private funding to do so in terms of section 32(1)(b) of the Constitution...”

We write to you as adult South African citizens, directly invoking Section 32(1)(b) of the Constitution, and exercising our right to access to information in terms of sections 32(1)(b) of the Constitution and the right to participate fully in elections through the right to vote.

Based on the ruling of the Constitutional Court, we are therefore asking all political parties represented in the national and provincial legislatures to disclose their private donor information to the public. Your party's response to this request will show commitment to your democratic responsibility, particularly in the run up to the 2019 national elections.

We hereby request the following information from the [insert party's name] over the last five financial years:

1. The income of all donations (this includes donations, interest, dividends, loans, payments) from the amount of R10 000 for each financial year from March 2014 until May 2018 from all

direct and third-party financial vehicles (financial vehicles includes trusts, individuals, corporate entities) at the National, Provincial and Regional level;

2. The identities of all donors who provided income above R10 000 to your political party either directly or through a third party in the form of donations, interest, dividends, loans, and or payments to any bank account, investment entities, trusts or third-party accounts of your political party.

We expect your response by no later than 10 September 2018.

Your response will show your commitment to protecting the value of the right to make an informed vote, the right to access to information, and the enhancement of the trust required to protect our political and electoral systems.

We know that your response will positively contribute towards effectively informing the public and your voters who have shown their faith in your leadership to represent them.

We are also willing to answer to any queries.

Sincerely,

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